

SPECIAL CRIMINAL APPLICATION NO. 685 OF 1997.

Date of decision: 23.6.1997

For approval and signature

The Honourable Mr. Justice R. R. Jain

Mr. M.B. Shaikh, advocate for petitioner.

Mr. S.T. Mehta, A.P.P. for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Coram: R.R.Jain,J.

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June 23, 1997.

Oral judgment:

Rule. Mr. S.T. Mehta, learned A.P.P. waives service of rule.

The petitioner, an under trial prisoner, has filed this petition stating that despite having severe tooth ache the jail authority is not taking him out for treatment in

Civil Hospital and thus is deprived of his fundamental rights. Vide this petition the petitioner has prayed that appropriate directions be issued against the respondents for taking him to Civil Hospital for appropriate treatment.

In response to the notice, respondents No.3 and 4 are present in Court. A certificate dated 23.6.1995 issued by Medical Officer, Central Jail Hospital, Ahmedabad, in connection with the nature of sickness and treatment required is produced and the same is taken on record. According to the certificate the petitioner is suffering from tooth cavity. On complaint, the petitioner was also examined by dental surgeon from the Civil Hospital who advised for tooth extraction. But for want of instrument and facilities tooth extraction could not be done in the jail hospital. Respondents No.3 and 4 have also suggested that the petitioner will have to be taken to Civil Hospital for that purpose. It is further stated that even as out-door patient tooth extraction can be done and would not require treatment as indoor patient.

In these circumstances, in my view, if the petitioner is taken to Civil Hospital under police escort, the purpose would be served. In the result, the respondents No.1 and 2 are directed to send the petitioner to Civil Hospital, under police escort for the purpose of getting treatment for tooth extraction as out-door patient. It is hereby made clear that respondents No.3 and 4 shall get prior appointment of the concerned doctor and accordingly the petitioner shall be taken to Civil Hospital, Ahmedabad. Rule is made absolute. A copy of this order be forwarded to respondent No.2.